

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
SPECIAL MEETING
FEBRUARY 8, 2006**

I. Call to Order

Chairman Cashman called the meeting to order at 1:00 P.M. Commissioners Mendoza, Cleary and Jenkins were present. Staff Members present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Ms. Andrews, Ms Haqq and Ms. Blackburn.

II. Approval of the Minutes of the January 11, 2006 Regular Meeting

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to approve the minutes of the January 11, 2006 special meeting. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by August A. Palmer, III, Oxford
File No. 2005-262
Proposed Findings and Conclusions
Investigators: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and the proposed Findings and Conclusions recommending that the complaint be dismissed.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2005-262 dismissing the complaint for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

2. In the Matter of Complaints by
Vincent Lorusso, Waterbury
File No. 2005-277
James R. Smith, Middlebury
File No. 2005-278
Proposed Consent Agreements and Orders
Respondents: Mary Jane Bernabe &
Carpin Manufacturing
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaints and the proposed Consent Agreements and Orders with respondents Mary Jane Bernabe and Carpin Manufacturing. Respondent Bernabe has signed the proposed agreement and the civil penalty of \$100 has been paid. Mr. Ralph Carpinella, President of Carpin Manufacturing has signed the proposed agreement and the civil penalty of \$200 has been paid.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Consent Agreements and Orders in File Nos. 2005-277 and 2005-278 as presented. So voted. A copy of the Consent Agreements and Orders is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Judy Alberts, Woodstock Town Clerk
File No. 2005-281
Proposed Consent Agreement and Order
Respondent: Phyllis Freeman
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint. The proposed Consent Agreement and Order has been signed by the Respondent and the civil penalty of \$150 has been paid.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to adopt the proposed Consent Agreement and Order in File No. 2005-281 as presented. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by Michael Kot, Easton
File No. 2005-285
Proposed Consent Agreement and Order
Respondent: Marvin B. Gelfand
Investigators: Attorney Joan M. Andrews &
Hy Xuan Ly, Accounts Examiner
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint. The proposed Consent Agreement and Order has been signed by the Respondent and the civil penalty of \$2,000. has been paid.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2005-285 as presented. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

5. In the Matter of a Complaint by Troy Foreman, Westbrook
File No. 2005-290
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

This matter was continued until the next meeting.

6. In the Matter of Complaints by Karen Mulcahy, Waterbury
File Nos. 2005-292A & 2005-292B
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and the proposed Findings and Conclusions recommending that the complaint be dismissed.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2005-292 A & B dismissing the complaint for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

7. In the Matter of a Complaint by Nathan Karnes, New Haven
File No. 2005-306
Proposed Findings and Conclusions
Investigator: Attorney Marc W. Crayton &
Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Findings and Conclusions recommending that the complaint be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to adopt the proposed Findings and Conclusions in File No. 2005-306 dismissing the complaint for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

B. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4)

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins at 1:20 P.M. to proceed into executive session pursuant to C.G.S. 1-200(6)(B) and (E) and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims listed as Items 8 through 13 on the agenda. So voted. Present were Commissioners Cashman, Mendoza, Cleary and Jenkins. Staff members present

were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Ms Andrews, Ms. Haqq and Ms. Blackburn.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to return to public session at 2:00 P.M. So voted.

The commission returned to Public Session and took the following action:

8. In the Matter of a Complaint by Daniel Pullium, Torrington
File No. 2005-271

Investigator: Attorney Marc W. Crayton

Managing Attorney: Albert P. Lenge

This matter was continued.

9. In the Matter of Complaint by Karen Mulcahy, Waterbury
File Nos. 2005-292C

Investigator: Attorney William B. Smith

Managing Attorney: Albert P. Lenge

This matter is continued.

10. In the Matter of a Complaint by Madeline R. Schmitt, Shelton
File No. 2005-296

Investigator: William B. Smith

Managing Attorney: Jeffrey B. Garfield

This matter is continued.

11. In the Matter of a Complaint by Karen Gaudreau, Town Clerk, East Windsor
File No. 2005-310

Investigator: William B. Smith

Managing Attorney: Albert P. Lenge

This matter is continued.

12. In Re: Solicitation of Contributions to Governor's Campaign Fundraiser
Request of M. Lisa Moody

File No. 2005-311

Investigator: Attorney Joan M. Andrews &

Attorney Marc W. Crayton

Managing Attorney: Jeffrey B. Garfield

This matter is continued.

13. In the Matter of a Complaint by Ron Haskins, North Branford
File No. 2005-329

Investigator: Attorney Marc W. Crayton

Managing Attorney: Jeffrey B. Garfield

This matter is continued.

IV. Referrals to Attorney General for Enforcement of Commission Order

14. In the Matter of a Complaint by Olga Aviles

File No. 2004-203

Respondent: Mamie Jackson

Investigator: Marc W. Crayton

Managing Attorney: Albert P. Lenge

Attorney Crayton explained that Respondent Mamie Jackson signed a Consent Order to pay a civil penalty of \$5,000 which was remitted to \$500. The Agreement was adopted by the Commission on September 21, 2005. A payment plan was established and she has paid \$375 to date. Attorney Crayton sent Ms. Jackson a letter on January 31, 2006 informing her that the final installment was due on November 23, 2005. She has failed to respond. The letter informed her that if the balance is not received by February 7, 2006, the matter will be referred to the Attorney General for further collection.

It was moved by Commissioner Cleary and seconded by Commissioner Mendoza to refer Respondent Mamie Jackson to the Attorney General for further collection and compliance with the Commission's order. So voted.

16. In the Matter of a Complaint by Susan Sinclair Wallace, Cheshire

File No 2005-135

Respondent: Terry Kelliher

Investigator: Attorney Joan M. Andrews

Managing Attorney: Albert P. Lenge

Attorney Andrews informed the Commission that Mr. Kelliher paid the civil penalty of \$4,000 today for compliance with the order.

V. Referral by the Office of the Secretary of the State

Non-Filer Compliance

File No. 2005-266CNF

Respondent: Scott P. Merrell, Candidate

Investigator: Attorney Joan M. Andrews

Managing Attorney: Jeffrey B. Garfield

Compliance with C.G.S. §9-333f and §9-333y, as amended by P. A. 05-235.

Recommendation: Commission take administrative notice of compliance with the statutes indicated, and accept, as full settlement the payment of \$100 to the State of Connecticut and will take no further action with respect to this matter.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza that the Commission takes administrative notice of compliance with the statutes indicated and will take no further action with respect to this matter. So voted.

VI. *Discussion of Legislative Recommendations to the 2006 General Assembly*

Mr. Garfield stated that Chairman Cashman and he appeared before the GAE Committee on Monday to update the committee on the progress the Commission has made in implementing the campaign finance reform legislation that was enacted during last years special session as well as other Commission activities. The Commission will be suggesting some improvements to the Campaign Finance Reform bill that will address several concerns. Mr. Garfield prepared a summary of the proposals that address the concerns that he and Attorney Andrews have. Mr. Garfield summarized his concerns with the organization's expenditure exemption. Attorney Andrews expressed concerns with the participating candidate's money deposited in escrow in a private entity until the Commission authorizes them to spend it at various spending levels. She feels that it fiscally irresponsible to have money deposited when there is no guarantee that the candidate is entitled to it.

It was moved by Commission Cleary and seconded by Commissioner Mendoza to authorize the submission with the changes discussed, to the GAE Committee as a proposed draft of the revised Campaign Finance Reform law. The Commission will also submit the proposal on the Commissioners per diem increase, and the push poll recommendation. So voted.

VII. *Administrative Progress Reports*

Mr. Garfield stated that there has been progress in terms of the personnel needs of the agency. Job descriptions of the new personnel that will successfully implement the new duties of the agency have been drafted. The GAE Committee has expressed their full support to the Commission and offered help if necessary to assist and support the budget to make the project a reality.

The Commission has received a letter and resolution from the Common Council of the City of Norwalk expressing interest in participating in the pilot program for public financing of municipal elections. New Haven has also expressed an interest. A workshop is scheduled at the CT Conference of Municipalities Office in New Haven February 28 to discuss the program. Senator DeFronzo, Co-Chairman of the GAE Committee and Robert Stern, President of the Center of Governmental Studies will make presentations at the workshop.

VII. Adjournment

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adjourn the meeting at 2:25 P.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting is scheduled for March 8, 2006 at 9:00 A.M.

Respectfully submitted,

Lois E. Blackburn
Clerk of the Commission